



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,046	03/02/2004	Mi Ae Choi	3449-0310P	9809
2292 7590 02/14/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
MARANDI, JAMES R				
ART UNIT		PAPER NUMBER		
4157				
NOTIFICATION DATE		DELIVERY MODE		
02/14/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/790,046

Applicant(s)

CHOI, MI AE

Examiner

JAMES R. MARANDI

Art Unit

4157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/55/08)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following minor informalities:

Paragraph [0005] (PG Pub 2004/0177382), requires attention. In particular, multiple verbs in the first sentence require appropriate correction.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in **Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966)**, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows: (*See MPEP Ch. 2141*)

- a. Determining the scope and contents of the prior art;
- b. Ascertaining the differences between the prior art and the claims in issue;
- c. Resolving the level of ordinary skill in the pertinent art; and
- d. Evaluating evidence of secondary considerations for indicating obviousness or nonobviousness.

Claims 1 through 16 are rejected under 35 U.S.C. 103 (a) as being unpatentable over applicant's own admitted prior arts (hereinafter "AAPA") in view of J.S.

Hamilton et al., US Patent Publication 2002/0087973 (hereinafter "Hamilton").

Regarding Claim 1, AAPA substantially discloses:

A method for operating a data broadcasting system (Figure 1), that executes a data broadcast under a client-server environment (Paragraph [0023], the method comprising the steps of: (a) downloading a data service table for a specific application at the client (Figure 1, paragraphs [0023]-[0025]); (Step b is not explicitly present in AAPA) and (c) executing the specific application using data files extracted through the data receiving process.

However, AAPA does not disclose **(b) providing an advertisement image and concurrently performing a data receiving process with reference to the data service table**. This limitation is disclosed by Hamilton (Paragraph [0014]-[0017]).

Therefore, combination of AAPA and Hamilton as whole would have rendered obvious to one of ordinary skills in the art the limitations of claim 1.

Claim 2: The method according to claim 1, wherein the data service table comprises advertisement image-relevant information used to confirm whether an advertisement image file exists. (Hamilton, Paragraphs [0014]-[0017], [0040]; Figure 6, element 610).

Claim 3: The method according to claim 2, wherein the step (b) comprises the steps of: confirming whether the advertisement image-relevant information exists with reference to the data service table; if the advertisement image-relevant information exists downloading at least one vendor section from the server and executing the advertisement image file extracted from the at least one vendor section. (Hamilton, Paragraphs [0014]-[0017], [0040]; Figure 6, element 610; Rejected as claim 1 and 2)

Claim 4: The method according to claim 1, wherein the advertisement image is generated by a combination of the advertisement image files extracted from the at least one vendor section. (Hamilton, Paragraphs [0014]-[0017], [0040]; Figure 6 element 610; Rejected as claim 1)

Claim 5: The method according to claim 1, wherein the advertisement image is comprised of any one selected from the group consisting of a still image or a moving picture. (Hamilton, Paragraph [0017]; Rejected as claim 1)

Claim 6: The method according to claim 1, wherein the advertisement image is outputted on a predetermined region of a screen if a video broadcast is being replayed on a screen. (Hamilton, Figure 5, Rejected as claim 1)

Claim 7: The method according to claim 1, wherein the advertisement image

is outputted on a full screen if any one of an audio broadcast and an independent data broadcast is being replayed on a screen. (Hamilton, Figure 5, Rejected as claim 1)

Claim 8: The method according to claim 1, wherein, when a power is turned on or a channel is changed at the client, a data broadcast for the specific application begins. (Hamilton, Paragraph [0043], Rejected as claim 1)

Claims 9 through 16 disclose a system in accord with the methods of claims 1 through 8. Therefore, Claims 9 through 16 are rejected by the same analysis.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES R. MARANDI whose telephone number is (571)270-1843. The examiner can normally be reached on 8:00 AM- 5:00 PM M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James R. Marandi/

/Vu Le/
Supervisory Patent Examiner, Art Unit 4157
Patent Training Academy